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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,455	06/24/2003	Michael Gauselmann	ATR-A-122	3264

32566 7590 04/04/2006

PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134

EXAMINER

SPRIGG, SEAN M

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,455

Applicant(s)

GAUSELMANN, MICHAEL

Examiner

Sean Sprigg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-42 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-15 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/24/2003.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-6, drawn to a gaming device having reels that rotate with a motor and have electrical displays representing at least one of the symbols on the reel, classified in class 273, subclass 143 R.
 - II. Claims 7-15, drawn to a gaming device having reels that do not rotate but have electrical displays controlled by a display controller that simulate the rotation of a plurality symbols around each of the reels with an animation, classified in class 463, subclass 31.
 - III. Claims 16-42, drawn to a gaming device with a panel separate from a main display, sometimes comprising reels, that can act as a display and/or a touch screen, classified in class 463, subclass 37.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are directed to related products. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, each the inventions are mutually exclusive in that they are not obvious variants and that they have a materially different design and mode of operation as outlined below. Invention I is drawn to a gaming device with a set of mechanical reels that move and have some

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electronically displayed symbols and some symbols that are not electronically displayed. Invention I requires a motor as part of the product and does not require a display controller to cause any sort of animation of symbols scrolling across the surface of the reel. With this design, Invention I provides the display by rotating a select number of electronically displayed symbols around a reel just as a standard mechanical reel would rotate physically drawn symbols. In contrast, Invention II is drawn to a gaming device with a set of reels, or parts of reels that are viewable to the user, that do not rotate, have no motor, and have only electronically displayed symbols. Instead of the reels of Invention II rotating, the reels use a display controller to create a rotating effect by animating the symbols such that it appears that the symbols are moving. Therefore, Inventions I and II are directed to related inventions that are distinct.

3. Inventions I and III are directed to related products. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, a gaming device that uses a panel in front of a main display as a touch screen or display separate from a main display is not an obvious variant of gaming device having reels as part of the main display, and the inventions have materially different designs and modes of operation.

4. Inventions II and III are directed to related products. The related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive;

the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). In the instant case, a gaming device that uses a panel in front of a main display as a touch screen or display separate from a main display is not an obvious variant of gaming device having reels as part of the main display, and the inventions have materially different designs and modes of operation.

5. Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

6. During a telephone conversation with Brian Ogonowsky on 3/28/2006 a provisional election was made without traverse to prosecute the invention of group I, claims 16-42. Affirmation of this election must be made by applicant in replying to this Office action. Claims 1-15 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Information Disclosure Statement

7. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

9. Claims 16-19, 21-22, 24-31, 33, 35-38, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Loose'433 (USPN 6,517,433).

Loose'433 teaches a gaming device that has a plurality of mechanical reels with symbols on the periphery of each reel (see Figs. 1-3), wherein the reels spin as a part of the game functionality (see col. 2 lines 19-22), and a display window (see lead line 14a), which forms part of the housing of the gaming device and reels, located in front of the reels, through which the reels are viewable by the player (see Fig. 2a and col. 2 lines 39-51), wherein the display window is a display panel and a touch screen that is electronically controlled (see col. 2 lines 39-51 and col. 4 lines 18-27). Loose'433 teaches that the touch screen of the display window can receive inputs from a player when the player is touching an area of the touch screen to input a choice that is displayed, such as the player touching a portion of the touch screen corresponding to a particular reel to initiate a function relating to the reel (see col. 4 lines 18-27 and col. 3 lines 42-46). Loose'433 teaches that the display panel displays images corresponding to choices a player is to make in the game, and that the display panel is electronically controlled to designate such choices or identify one or more symbols (see col. 4 lines 18-27 and col. 3 lines 42-46 and cols. 5-6 lines 52-9). Loose'433 also teaches the method that corresponds to using the gaming device.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 20 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose'433 in view of Luciano'545 (US Pub. No. 2002/0058545).

Loose'433 teaches all the features of the claimed invention, including the feature of allowing the panel to be a touch screen to receive a player's inputs, except for the choice presented to the player or the function related to a particular reel being the holding of the position of one or more reels and symbols for the next spin of the reels.

Luciano'545 teaches a gaming machine that is a slot machine wherein there is an additional feature of allowing the player to select reels to "hold" while other reels are spun (see pars. 70-71). This feature requires a player choice or input and results in the symbols on the reel not moving. Luciano'545 teaches this feature for the purpose of increasing the entertainment value of slot machine gaming devices (see par. 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Loose'433 with the feature of allowing a player to make an input of a chosen reel and the symbols on the reel to be held in place as taught in Luciano'545 for the purposes of increasing the entertainment value of the gaming device by providing additional entertaining game features.

12. Claims 23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose'433 in view of Griswold'115 (USPN 6,027,115).

Loose'433 teaches all the features of the claimed invention, including having the gaming device include spinning reels, except for having the reels comprise an electronic display.

Griswold'115 teaches a set of spinning reels that have luminescent display elements on them for the purposes of increasing the attractiveness of the game, the entertainment value of the device, and providing a better indication to a player that a event has occur in relation to the symbols appearing on the reel (see col. 2 line 13 through col. 3 line 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Loose'433 with a set of reels that have an electronic display as taught in Griswold'115 for the purposes of increasing the attractiveness of the game, the entertainment value of the device, and providing a better indication to a player that a event has occur in relation to the symbols appearing on the reel.

13. Claims 39 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose'433 in view of Loose'980 (US Pub. No. 2003/0157980).

Loose'433 teaches all the features of the claimed invention, including an electronic display and a display panel, except for the electronic display being an OLED display or the display panel retaining its display image after the power has been turned off.

Loose'980 teaches that OLED displays could be used as electronic displays in gaming machines (see pars. 38 and 49). Loose'980 also teaches the use of electronic paper as part of an electronic display such as a display panel, wherein electronic paper is capable of displaying an image even when the power has been turned off (see pars. 38 and 49). Loose'980 teaches both of these display features because they take up less space, less weight, and less energy than other electronic displays or other dynamic images commonly found on a gaming device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Loose'433 with OLED displays as electronic displays and with electronic paper as part of the display as taught by Loose'980 for the purpose of using less space, needing a support for less weight, and using less energy in displaying the desired images.

14. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Loose'433 in view of Gilmore'624 (US Pub. No. 2003/0027624).

Loose'433 teaches all the features of the claimed invention except for explicitly teaching that the device has a display panel displaying a logo of the game.

Gilmore'624 teaches a gaming device with a front display panel that displays the logo of the device, instructions, and other textual information for the purpose of identifying the machine and providing the user with easily visible information about the machine (see par. 24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Loose'433 with the display of a logo on the

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display panel as taught in Gilmore'624 for the purpose of providing identifying cues to the user or potential users and providing the user with easily visible information about the machine.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McAllister'571 (USPN 6,942,571), Stewart'789 (USPN 5,952,789), Joshi'367 (USPN 6,485,367), and Cole'794 (US Pub. No. 2001/0054794).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Sprigg whose telephone number is (571) 272-5562. The examiner can normally be reached on Monday - Friday, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/31/2006


XUAN M. THAI
SUPERVISORY PATENT EXAMINER
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